SH2324827

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COUNTY OF LOS ANGELES
**SHERIFF'S DEPARTMENT**
*A Tradition of Service*

DATE: March 31, 2014
FILE NO.:

OFFICE CORRESPONDENCE

**FROM:** STEPHEN B. JOHNSON, COMMANDER
CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS

**TO:** ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS**

| | |
|---|---|
| Case Number: | SH2324827 |
| Incident: | Hit Shooting |
| Incident Date: | November 23, 2012 |
| Unit: | Century Station |
| Suspects: | Bruce L. Sullivan, MB/06-23-81 |
| Involved Employee: | Deputy Tony Franklin, #[redacted] |
| EFRC Date: | March 27, 2014 |

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

**FORCE POLICY RELATING TO INCIDENT:**

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

**FINDINGS:**

Century Station deputies were on routine patrol. They attempted to speak with suspect, who they believed was acting suspiciously. When the deputies exited their patrol vehicle, the suspect ran from them with a firearm in his hand. The suspect ignored multiple commands from the pursuing deputies to stop. At the end of the foot pursuit, the suspect fell on the sidewalk, removed the gun's magazine from his pocket and tried to insert it into the firearm.

Believing the suspect intended to use the firearm to shoot him and his partner, the deputy fired three rounds from his service weapon, striking the suspect in the left thigh, left calf, and right ankle. The suspect threw the gun and followed the deputy's orders to drop the gun magazine. The suspect was taken into custody without further use of force.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

**RECOMMENDATIONS:**

The EFRC recommended the unit commander, Captain Ernest E. Chavez, Conduct a tactical debriefing with the involved personnel regarding the unique circumstances of this incident. The tactical debriefing is to include the issue of foot pursuits in an open field and the risks involved.

SBJ:JER:jer




LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

April 11, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #12-0765
L.A.S.D. File #012-17592-2131-055

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 23, 2012, non-fatal shooting of Bruce Lee Sullivan by Los Angeles County Sheriff's Department (LASD) Deputy Tony Franklin. We have concluded that Deputy Franklin acted lawfully in self-defense and defense of others.

The District Attorney Command Center was notified of the shooting at approximately 11:25 a.m., on November 23, 2012. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Senior Investigator [redacted], responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon investigative reports, analyzed evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by Detective Joe Espino. Compelled statements were not considered in this analysis.

## FACTUAL ANALYSIS

On November 23, 2012, at approximately 11:08 a.m., Deputies Tony Franklin and Chad Magdalik were on routine, uniformed patrol in a marked Sheriff's vehicle in the Willowbrook area of the County of Los Angeles. While Deputy Franklin was driving north on Compton Avenue, they saw a male, later identified as Bruce Sullivan, walking east on the sidewalk of East 117th Place, east of Compton Avenue, looking over his shoulder in their direction. Franklin told Magdalik that they should go talk to him.

When Franklin turned right onto East 117th Place, Sullivan repeatedly looked over his shoulder toward the approaching deputies. Franklin stopped the patrol car. Sullivan stopped walking and the deputies exited. Sullivan faced the patrol car and crouched down slightly behind a car parked along the south curb, obscuring his waist and hands from the deputies' view. Deputy Magdalik noticed that Sullivan was moving his hands around his waistband suspiciously. Deputy Franklin asked Sullivan what was going on. With his left hand on the left side of his waistband, Sullivan walked toward Franklin. Sullivan then turned and started to run west. Apparently seeing Magdalik in his path, Sullivan quickly turned in the opposite direction and ran east away from the deputies. As Sullivan turned, Franklin saw the grip of a handgun protruding from the left side of his waist. Sullivan removed the handgun with his left hand as he ran away. Franklin yelled that Sullivan had a gun. He repeatedly ordered Sullivan to stop by yelling "Police, stop, police!" and "Stop, police, I'll shoot!"

The deputies ran after Sullivan as he sprinted east on East 117th Place, then south through an opening in a chain link fence and across an open field toward East 118th Street. Sullivan ran through another opening in the fence at the south side of the field and continued running west on East 118th Street. With the deputies following close behind, Sullivan ran across the street to the gated pedestrian entrance of an apartment building at [redacted] East 118th Place. Sullivan opened the gate with his right hand and looked back at Franklin, who yelled, "Police, stop running, police!" After passing through the gate, Sullivan took about four steps, tripped and fell on the sidewalk on the east side of the parking area. Sullivan fell on his right side with the gun still in his left hand. Pointing his service weapon at Sullivan, Franklin repeatedly ordered him to show his hands. While on the ground, Sullivan reached into his right pocket, removed a pistol magazine and tried to insert it into the gun. Fearing for his life and that of his partner behind him, Franklin fired his service weapon three times, striking Sullivan three times.[1] Franklin stepped to his left to seek concealment from the bushes on the west side of the apartment building. Sullivan yelled something and threw his firearm to the west side of the fire lane in the parking area.[2] Franklin stepped toward Sullivan and twice ordered him to drop the weapon. Sullivan dropped the magazine for his firearm.[3] Sullivan told Franklin, "I'm sorry. I just wanted to get away, don't kill me." Magdalik heard Sullivan say, "Thank you for not killing me. I shouldn't have run from you with a gun."

Paramedics transported Sullivan to St. Francis Medical Center in the City of Lynwood where he was treated for gunshot wounds to his left upper thigh, left calf and right ankle. While Deputies Chavira and Rivas were guarding Sullivan in the hospital hallway, Sullivan told them, "Hey Sirs, sorry for running from your partner. Tell him thank you for not shooting me in the stomach. I didn't want to go to jail because I wanted to see my [redacted]"

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[1] Deputy Franklin was armed with a Beretta, model 92F, 9mm semiautomatic pistol.

[2] Sullivan's firearm was a Bryco-Arms, model Jennings Nine, 9mm semiautomatic pistol. When it was recovered, the chamber and magazine well were empty. An LASD firearms expert determined that the gun was functional.

[3] The magazine contained eight live rounds. An additional live 9mm round was recovered from Sullivan's left front pants pocket and a second was found on the ground next to Sullivan. The magazine had a 10-round capacity.

In case number TA125935, the District Attorney's Office charged Sullivan with attempted murder and assault with a firearm on a peace officer, and felon in possession of a firearm. The case is set for preliminary hearing on April 11, 2012 in Department "O" of the Compton Division of Los Angeles County Superior Court.

**Statement of Bruce Sullivan**

About eight hours after the shooting, detectives interviewed Sullivan in the hospital. Before the detectives had a chance to tell Sullivan the reason for talking to him, he stated, "I ran. I had a gun." Sullivan then waived his *Miranda* rights and agreed to speak with the detectives about the shooting.

Sullivan told the detectives that he found the gun when he was cleaning his yard. When he found it, the gun had four or five bullets in the magazine, but he added more. He carried the gun with an empty chamber and without the magazine inserted. However, he had practiced inserting the magazine, saying "He could get ready pretty quick." Sullivan carried the gun in an extra belt on his left side and the magazine in his right pocket. When the deputies pulled up, he first walked toward them, but then ran because he did not want to go to jail and wanted to see his [redacted] who was coming from out of town to visit.[4] He heard the deputies yelling for him to stop as he was running away. When he fell, he was trying to throw the gun and magazine. He eventually threw the gun, then reached into his pocket and threw the magazine. Sullivan did not blame the deputy for shooting him, saying that the deputy had a guy with a gun in his hand and "did what he had to do." Sullivan said he would have done the same thing if he had been in the deputy's position.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"When the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575.

[4] This incident occurred on the Friday after Thanksgiving.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

**CONCLUSION**

The evidence examined in this investigation shows that Deputies Tony Franklin and Chad Magdalik attempted to speak with Bruce Sullivan, who they believed to be acting suspiciously. When the deputies exited their patrol vehicle, Sullivan ran from them with a firearm in his hand. Sullivan ignored multiple commands from the pursuing deputies to stop. At the end of the foot chase, Sullivan fell on the sidewalk, removed the gun's magazine from his pocket and tried to insert it into the firearm. Reasonably believing that Sullivan intended to use the firearm to shoot him and his partner, and in fear of imminent great bodily injury or death, Deputy Franklin fired three rounds from his service weapon, striking Sullivan. Sullivan threw his gun away and then followed Franklin's order to drop the gun magazine. He was ultimately taken into custody without further use of force.

Given the rapidly evolving, life threatening situation that confronted Deputy Franklin, we conclude that he acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

JASON P. LUSTIG
Deputy District Attorney
(213) 974-3888

c: Deputy Tony Franklin #[redacted]
Deputy Chad Magdalik #[redacted]

# Los Angeles County Sheriff's Department

# Officer Involved Shooting



| | | |
|---|---|---|
| Report Date: 11/23/12 | Bureau/Station/Facility: Century Station | Admin. Invest.? ☐ Hit? ☑ |

**Incident Information**

| | |
|---|---|
| URN: 012-17592-2131-055 | Date: 11/23/12 Time: 1108 |
| City or Station: Century Station | Nature of Incident: Deps attempted to contact susp. A foot pursuit ensued. At the end of the pursuit the susp attempted to assault Dep Franklin with a gun. A DIS occurred. Susp sustained 3 gun shot wounds |
| Location: [redacted] E. 118th Place, Los Angeles | |

**Location Type (*check one or more*):**
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☑ Parking Lot
- ☑ Residence
- ☐ Rural
- ☐ School
- ☐ Street
- Other:

**Lighting (*check only one*):**
- ☐ Darkness
- ☑ Daylight
- ☐ Other
- ☐ Street Lights

**Weather (*circle only one*):**
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance:

**Incident Type (*check one or more*):**
- ☐ Accidental
- ☑ Armed Person
- ☑ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

**Initiated by (*check only one*):**
- ☐ Arrest Warrant
- ☐ Call
- ☑ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

**Prior Activity (*check only one*):**
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Total # of Shots Fired by Deputy: 3

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

**Employee Witnesses**

| Employee # | Last Name | First Name | M.I. | ShiftTime (*check only one*) | ShiftType (*check only one*) |
|---|---|---|---|---|---|
| [redacted] | Magdalik | Chad | S | ☐ EM ☐ PM ☑ Day | ☑ Regular ☐ Overtime ☐ Off Duty |
| | | | | ☐ EM ☐ PM ☐ Day | ☐ Regular ☐ Overtime ☐ Off Duty |
| | | | | ☐ EM ☐ PM ☐ Day | ☐ Regular ☐ Overtime ☐ Off Duty |

**Non-Employee Witnesses**

| Last Name | First Name | M.I. | | |
|---|---|---|---|---|
| Street Address | City | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | M.I. | | |
| Street Address | City | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | M.I. | | |
| Street Address | City | Zip Code | Work Ph | Home Ph |

**Supervisors**

| Employee # | Last Name | First Name | M.I. | (*check one or more*) |
|---|---|---|---|---|
| [redacted] | Bardon | Joshua | A | ☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting |
| [redacted] | Torres | Benjamin | | ☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting |

**Watch Sergeant**

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

**Watch Commander**

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Demello | Jack | D |

**PSTD Use Only**

SH # ____________

# Officer Involved Shooting

## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 11/23/12 | 1230 | 03/13/14 | |

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Parker | Brenda | |
| [redacted] | Haynes | Laura | |
| | | | |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## ***FORCE APPLIED*** *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S#1 Lee | E#1 Franklin | FH | JE | 9 | N | N | NN | |
| E#1 Franklin | S#1 Lee | FH | BR | 9 | Y | Y | GS | LE |
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# Officer Involved Shooting
# Involved Employee Information

URN: 02-17592-2131-055



**Involved Employee**

**E 1**

| | | | | |
|---|---|---|---|---|
| Employee # [redacted] | Last Name: Franklin | | First Name: Tony | M.I.: T |
| Sex: M Race: Black | Rank: Deputy | Unit Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 214 B | |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day | ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: | |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐ |
| Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest | Other Factors: | |
| Age: [redacted] Height: 510 Weight: 180 | | | | |
| Range Qualification Date: [redacted] | | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☑ Number of Prior Shootings: 2 | Directed Force: [redacted] |
| Weapons Fired Brand: Beretta | Caliber: 9mm # Shots: 3 | Weapons Fired Brand: | Caliber: | # Shots: |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] | M.I. |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] | M.I. |

**E ___**

| | | | | |
|---|---|---|---|---|
| Employee # | Last Name | | First Name | M.I. |
| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): | |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: | |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors: | |
| Age: Height: Weight: | | | | |
| Range Qualification Date: | | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ Number of Prior Shootings: | Directed Force: ☐ |
| Weapons Fired Brand: | Caliber: # Shots: | Weapons Fired Brand: | Caliber: | # Shots: |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |

**E ___**

| | | | | |
|---|---|---|---|---|
| Employee # | Last Name | | First Name | M.I. |
| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): | |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: | |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors: | |
| Age: Height: Weight: | | | | |
| Range Qualification Date: | | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ Number of Prior Shootings: | Directed Force: ☐ |
| Weapons Fired Brand: | Caliber: # Shots: | Weapons Fired Brand: | Caliber: | # Shots: |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |

# Officer Involved Shooting
# Suspect Information

URN: 012-17592-2131-055



## Suspect Information

**S 1**

| | | | |
|---|---|---|---|
| Last Name: Sullivan | | First Name: Bruce | M.I.: L |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: M Race: Black | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: None | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 31 D.O.B. 06/23/81 | Height: 511 Weight: 190 | FBI #: [redacted] | CII #: [redacted] |
| Booking #: 3378421 | Primary Charge: 245 (C) PC | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☑ | Apprehended? ☑ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make: N/A | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case #: | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |



See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

**UNIT:** Century Station
**DATE:** November 23, 2012
**TIME:** 1108 Hours
**LOCATION:** [redacted] East 118th Place, Los Angeles
**URN#:** 012-17592-2131-055
**IAB#:** SH2324827

**NATURE OF INCIDENT:**

On November 23, 2012, Deputies Franklin and Magdalik were on routine patrol. They attempted to speak with Suspect Bruce Sullivan, who they believed was acting suspiciously. When the deputies exited their patrol vehicle, Suspect Sullivan ran from them with a firearm in his hand. Suspect Sullivan ignored multiple commands from the pursuing deputies to stop. At the end of the foot pursuit, Suspect Sullivan fell on the sidewalk, removed the gun's magazine from his pocket and tried to insert it into the firearm. Believing Suspect Sullivan intended to use the firearm to shoot him and his partner, Deputy Franklin fired three rounds from his service weapon, striking Suspect Sullivan in the left thigh, left calf and right ankle. Suspect Sullivan threw the gun and followed Deputy Franklin's orders to drop the gun magazine. Suspect Sullivan was taken into custody without further use of force.

**IAB Note:** See Exhibit "B," Foot Pursuit Evaluation Form

**INVOLVED PERSONNEL:**

**Franklin, Tony** – Deputy #[redacted]
Century Station
Unit 214A
Central Patrol Division

Date of Employment:
Date Assigned to CEN: 10/28/07
Prior Shooting Incident(s): 2
Prior Founded Force Incidents: [redacted]

## INVOLVED SUSPECT:

**Sullivan, Bruce**
[redacted]

| | |
|---|---|
| Sex: | Male |
| Race: | Black |
| Date of Birth: | 06/23/81 |
| Height: | 511 |
| Weight: | 190 |
| Booking # | 3378421 |
| Charge: | 245(C) PC, |
| Injury: | The suspect sustained gunshot wounds to his left upper thigh, left calf and right angle |

The Consolidated Criminal History System [redacted]

> **IAB Note:** See Miscellaneous documents to view a copy of Suspect Sullivan's consolidated criminal history.

## SWORN WITNESS:

**Magdalik, Chad** Deputy #[redacted]
Century Station
Unit # 214A
Central Patrol Division

## CIVILIAN WITNESSES:

See Exhibit "A" pages 15-16.

## INVOLVED EMPLOYEE STATEMENTS:

**Franklin,** Tony

Deputy Franklin said he and his partner, Deputy Magdalik were driving north on Compton Avenue on routine patrol. He was the driver and Deputy Magdalik was the bookman. He said they saw a male black walking east on 117th Place. The male who was later identified as Suspect Sullivan was acting suspiciously by nervously looking over his shoulder toward the deputies.

Deputy Franklin said as they drove closer to the suspect, they decided to stop and talk with him. When the suspect saw the patrol car stop, he stopped walking. The suspect faced the patrol vehicle and crouched down behind one of the vehicles parked along the south curb line. Deputy Franklin said the suspect was on the sidewalk and he could see the suspect's face, but not his waist area or his hands. He said based on the suspect's behavior, he believed the suspect may have been involved in some type of criminal activity. Deputy Franklin maintained eye contact with the suspect and asked him "What's going on?" The suspect started to walk toward him with his left hand on the left side of his waistband. He said the suspect was approximately 4-6 feet from him when he suddenly pivoted to the right, away from him and ran east on 117th Street. As the suspect turned, Deputy Franklin observed the handgrip of a handgun near the left side of the suspect's waistband. The suspect removed a chrome colored semiautomatic pistol from his left waistband area with his left hand as he ran. Deputy Franklin said there were a lot of rocks in the big dirt field on 118th Place. As soon as the suspect took one step, he tripped and fell. Deputy Franklin said he saw a gun slide from the suspect's waistband onto the dirt.

Deputy Franklin began to chase the suspect who had picked-up the handgun and advised Deputy Magdalik that the suspect was armed with the gun. As Deputy Magdalik followed Deputy Franklin, he advised Sheriff Communications via his handheld radio of their location and that they were in foot pursuit of an armed suspect. Deputy Franklin said he identified himself as "the police," ordered the suspect to stop numerous times, and advised the suspect that he would shoot if he did not stop. He said the suspect did not stop and continued to run east on 117th Place, then south, going through an opening in the chain link fence, and across a vacant field to 118th Street. While running across the field Deputy Franklin said he was approximately 15 feet behind the suspect. The suspect then fell, quickly stood up, and continued running, which closed the distance between Deputy Franklin and the suspect to approximately 4-6 feet. Deputy Franklin is not sure if the suspect fell once or twice while running through the vacant lot.

Deputy Franklin said he could hear his partner Deputy Magdalik behind him communicating on his hand held radio, and see the suspect in front of him holding the grip on the weapon.

Deputy Franklin said the suspect ran to the south side of the vacant field and headed east through an opening in the chain link fence. The suspect then ran west on the north sidewalk of East 118th Street. The suspect then crossed East 118th Street toward the rear pedestrian entrance to the rear of the apartment building at [redacted] E. 118th Place.

> **IAB Note:** See Exhibit "C," photograph depicting view of crime scene area.

When the suspect reached the gate he opened it and looked toward Deputy Franklin. Deputy Franklin continued to give commands which were ignored by the suspect. The suspect entered the gate and took a few steps toward the fire lane area. Deputy Franklin said the suspect tripped and fell to the sidewalk on the east side of the parking area. He

fell on his right shoulder with the gun in his left hand holding the gun up facing east.

> **IAB Note:** See Exhibit "D," photograph depicting the apartment building gate and area where Suspect Sullivan fled to and where Deputy involved shooting occurred.

Deputy Franklin said he saw the suspect reach into his right pant pocket and retrieve a black object which he appeared to try to insert into the semiautomatic pistol that was in his left hand while he made eye contact with Deputy Franklin. Deputy Franklin said he believed the suspect was attempting to insert a magazine into the semiautomatic pistol. Deputy Franklin said he perceived this to be a direct threat to himself and his partner because he believed the suspect was going to try to kill him and his partner, using the gun in his left hand.

Deputy Franklin said he discharged his 9mm Beretta three times, striking the suspect three times in his lower extremities. He said he then stepped to his left to seek concealment from the bushes along the west side of the apartment building. He said the suspect yelled something and threw the gun to the west side of the fire lane. He said the suspect was still holding something in his right hand and he ordered him twice to drop the weapon. He said the suspect dropped a black object which he observed to be a magazine for a semiautomatic weapon.

Deputy Franklin said Suspect Sullivan looked at him and said, "I'm sorry, I just wanted to get away, don't kill me." He then placed both of his hands over his head. He said the suspect also said, "That's not my gun, but I have been getting shot at a lot recently." Deputy Franklin said a small crowd gathered on the south side of the curb line, and he heard a female yell at the suspect to drop whatever he had in his hand.

Assisting units arrived, secured the scene, handcuffed the suspect and then paramedics arrived to render first aid.

## SWORN WITNESS STATEMENT:

**Magdalik**, Chad

Deputy Magdalik said he and his partner were working routine patrol. He was the bookman and his partner Deputy Franklin was the driver. They were driving northbound on Compton Avenue past a vacant lot on the east side of 117th Street as they approached 117th Place when they noticed a male black standing on the south sidewalk of 117th place who appeared suspicious. They decided to talk to the man who was later identified as Suspect Bruce Sullivan.

Deputy Magdalik said they turned right on 117th Place and he saw two men standing on the sidewalk, an older man and a younger man. He told Deputy Franklin to let him out of the patrol vehicle so he could get a clear view of both males. He also said he got out of

the vehicle because the area is a known gang and high narcotic activity area. He said he wanted to be out of the patrol vehicle so he could keep an eye on their hands and have the upper hand. He got out of the vehicle and walked onto the sidewalk, clearing two vehicles that were parked in front of a large R.V., as Deputy Franklin paralleled him in the patrol vehicle. Deputy Magdalik made contact with the older man as Deputy Franklin drove ahead to contact the younger man. The older man was now standing in the street in front of a car with its hood up. It appeared that the he was working on the vehicle. Deputy Magdalik told the man to show him his hands. The man complied and Deputy Magdalik determined that the older man was not involved in any criminal activity.

Deputy Magdalik said when he finished communicating with the older man, he approached Suspect Sullivan from the west. From about twenty to thirty feet away, he could see the suspect was moving his hands suspiciously around his waistband and the suspect crouched down behind a car. Judging from the suspect's actions, Deputy Magdalik thought the suspect was going to drop or toss narcotics or burglary tools. He said Deputy Franklin drove the patrol vehicle slightly past the suspect and approached the suspect from a northeast direction. Deputy Magdalik said he yelled out to Deputy Franklin to watch the suspect's hands. The suspect started walking toward Deputy Franklin who was calling him over. The suspect appeared to be cooperating. Deputy Magdalik suddenly heard Deputy Franklin yell "Hey, get back here!" as the suspect started running south and then west on the sidewalk away from Deputy Franklin, but toward Deputy Magdalik. The suspect suddenly turned around and began to run east on the sidewalk followed by Deputy Franklin.

Deputy Magdalik said he heard Deputy Franklin say "He's got a gun." He followed behind Deputy Franklin and the suspect and began to broadcast emergency radio traffic that they were involved in a foot pursuit.

> **IAB Note:** See Exhibit "E," CD containing foot pursuit broadcast

The suspect ran south through an opening in the chain-link fence that surrounded a vacant lot located south of the sidewalk on 117$^{th}$ Place. Both deputies continued running after the suspect south along a path through the vacant lot, out of another opening in the chain-link fence westbound onto 118$^{th}$ Street. As they chased the suspect, Deputy Franklin yelled continuously "Police, stop or I will shoot." Deputy Magdalik continued to broadcast their location and direction of travel on his 480 radio.

> **IAB Note:** Deputy Magdalik inadvertently broadcast that they were running northbound instead of southbound.

Deputy Magdalik said halfway through the vacant lot, the suspect fell. The suspect was able to quickly recover and continued running south. When the suspect reached the southern end of the vacant lot, he exited through another opening in the chain-link fence and began to run westbound on 118$^{th}$ Street on the north side of the sidewalk. At this point Deputy Franklin was about 15-20 feet behind the suspect, and Deputy Magdalik was 15-20 feet behind Deputy Franklin. Suspect Sullivan ran diagonally across 118$^{th}$

Street in a southwest direction toward a pedestrian gate located at the rear of an apartment complex located at [redacted] E. 118th Place.

Deputy Magdalik said he could not get a good view of the suspect because they were running in a line and his view was blocked by Deputy Franklin. He said he focused on Deputy Franklin in front of him and the radio. He said the suspect ran through the pedestrian gate into the apartment complex, and out of his view. He saw Deputy Franklin stopped at the apartment complex pedestrian gate as he approached. He then saw the suspect on the ground and Deputy Franklin giving him commands to "Let me see your hands." and pointing his duty weapon at the suspect. As he arrived just east of the pedestrian gate and east of his partner, he heard three gunshots. He did not see the shooting, but knew that Deputy Franklin had shot because he was pointing his weapon at the suspect and there was smoke coming out of his weapon.

Deputy Magdalik said he immediately broadcast emergent radio traffic advising that a Deputy involved shooting had occurred. He said he and Deputy Franklin approached the suspect who was lying on the sidewalk that led from the pedestrian gate into the apartment complex. The suspect told Deputy Franklin "Thank you for not killing me. I shouldn't have run from you with a gun." Within seconds, LA County Fire and assisting units arrived. The suspect was treated for his injuries and taken into custody.

## CIVILIAN WITNESS' STATEMENTS:

**See Exhibit "A" pages 28-33**

## SUSPECT STATEMENT:

**Sullivan,** Bruce Lee

Suspect Sullivan prior to the shooting he had been walking on East 117th Place with his [redacted] and a friend. When the deputies pulled up, he initially walked toward them. He said he then ran because he did not want to go to jail, and he wanted to see his [redacted] who was coming to town from Bakersfield. He said he heard yelling for him to stop as he ran away. He said he had a gun on his person for personal protection.

Suspect Sullivan said he ran from deputies through a vacant field. He noticed that one of the deputies was not far behind him. He said when he arrived at the pedestrian gate of the apartment complex, the nearest deputy was in the street running toward him. He said he fell when he got in the gate, and fell again as he was trying to get up. He felt that if he would not have fallen he could have escaped from the deputies because he knows the complex.

He said he tried to throw the gun and that was when he got shot. He said he did not blame the deputy for shooting him, and that he apologized to the deputy after the deputy

shot him. He said he understood that the "deputy had a guy with a gun in his hand," and the deputy, "did what he had to do." He said the deputy was a "good dude, he could have shot me in the back or stomach."

## SUSPECT INJURIES:

Suspect Sullivan sustained 1gunshot wound to his left upper thigh, 1 gunshot wound in his left calf, and 1 gunshot wound in his right ankle.

## DEPUTY PERSONNEL INJURIES:

None

## PHYSICAL EVIDENCE:

See Exhibit "A," pages 35-41

## INVESTIGATORS OBSERVATIONS:

The area surrounding the northwest corner of the apartment building at [redacted] 118th place was examined. The scene consisted of a north/south walkway, which is accessed through a pedestrian gate at the north edge of the property, where the Deputy involved shooting occurred. This is the route that was taken by Suspect Sullivan after he exited the open field.

## WEAPONS USED BY DEPUTY PERSONNEL:

Beretta 92FS, 9mm Luger caliber semiautomatic pistol, serial number BER[redacted]

## WEAPONS USED BY SUBJECT:

Bryco-Arms, Model "Jennings 9mm," Serial #[redacted]

## PROPERTY DAMAGE:

None

## CHARGES FILED AND DISPOSITIONS:

245(A) (2) PC Assault With a Deadly Weapon, With Firearm- 3 years State Prison

## WEATHER AND LIGHTING CONDITIONS:

Light and sunny